Creamy Layer in OBCs

2228. SHRI K.R. MALKANI: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) how the creamy layer of backward classes has been defined by various States;

(b) whether Government have laid down any guidelines for the State in this regard;

(c) the judicial findings in the matter and

(d) the present position in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MANEKA GANDHI): (a) to (d) The Supreme Court in its judgement in Indira Sawhney and others etc. V/s Union India and others etc. delivered on 16th November 1992 *inter-alia* directed;

Within four months from today the Government of India shall specify the applying the relevant and requisite socio-economic criteria to exclude so advanced persons/sections (Creamy Layer) from Other Backward Classes implementation of the impugned O.M. dated 13th August 1990 shall be subject to exclusion of such socially advanced persons (Creamy Layer).

This direction shall not however apply to States where reservations in favour of backward classes are already in operation. They continue to operate them. Such States shall however evolve the said c: within 6 months from today and apply the same to exclude the socially add persons/sections from the designated "Other Backward Classes".

As per directions of the Hon'ble Supreme Court, the criteria determining Creamy Layer amongst OBCs for the purpose of reservation in Central Government posts and services was laid down vide O.M. No. 36012/22/93-Estt(SCT), dated 08.09.93. This criteria is still valid for applying rules exclusion amongst OBCs.

National Commission for SCs/STs

2229. CHAUDHARY CHUNNI LAL: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) what was the constitution of the National Commission for SCs/STs as in October, 1996 who is the Chairman and who are the members;

(b) when their term is expiring so as to reconstitute it after assessment of its functioning;

(c) how many cases the Commission has dealt with from October, 1996 till December, 1997 and how many have been finalised with result thereof;

(d) whether Government feel that the Commission is really doing the work to extend genuine relief to those who deserves it; and

(e) whether it is not necessary to strengthen it and make it really effective?

THE MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MANEKA GANDHI): (a) and (b) Details of Chairman and Members of the National Commission for Scheduled Castes and Scheduled Tribes is as below:

Sl. No.	Name	Term expiring on
1.	Shri H. Hanumanthappa, Chairman	8.10.98
2.	Smt. Omem Moyong Deori, Vice-Chairperson	4.10.98
3.	Shri Narsingh Baitha, Member	8.10.98
4.	Ven. Lama Lobzang, Member	5.10.98
5.	Shri Naresh Chandra Chaturvedi, Member	8.10.98
6.	Shri B. Yadaiah, Member	8.10.98
7.	Shri Anand Mohan Biswas, Member	9.10.98